

FISCAL NOTE
HB 3160 - SB 3087

February 26, 2002

SUMMARY OF BILL:

- Amends the *Tennessee Consumer Protection Act of 1977*.
- Requires that the examination under oath of any person in connection with an alleged violation of the *Tennessee Consumer Protection Act* shall be conducted consistent with the provisions of the Tennessee Rules of Civil Procedure applicable to the taking of depositions.
- Increases the time in which the person being investigated may file a petition to extend, modify, or set aside a request for information.
- Requires, in regard to notice of a petition to extend, modify, or set aside a request for information, that the Division of Consumer Affairs and the Attorney General be served with the petition in the same manner as any lawsuit filed against the Division. The division and the attorney general would have 20 days in which to respond to the petition.
- Specifies that the failure to petition for a protective order would not operate to waive any right by that person being investigated to seek the protection of the court at a later date, nor would it constitute a waiver of any other constitutional, procedural, or substantive right.
- Specifies that no assertion of the right not to incriminate one's self may be introduced into evidence or used in any way against any person or entity supplying information pursuant to the investigation or used against such person or entity in any way in any criminal or civil proceeding.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$97,400 Recurring
\$9,600 One-Time

Estimate assumes the need for 1 attorney and 1 secretary in the Division of Consumer Affairs to implement the provisions of this bill. Each Consumer Specialist would have to consult with and be advised by an attorney during the entire preliminary investigation. Currently, an attorney is not involved unless a violation of the *Tennessee Consumer Protection Act* is determined during the preliminary investigation and the case is referred to the Attorney General's office.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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